

Attorney Docket No. \_\_\_\_\_

TECHNICAL CENTER 1600/2900

OCT 16 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kim et al.

Serial No.: 09/555,442

Group No.: 1626

Filed: May 31, 2000

Examiner: S. Wright

For: Cyclohexene Carboxylates as Neuraminidase Inhibitors

Assistant Commissioner for Patents  
Washington, D.C. 20231

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

- ☐ a small entity - verified statement:  
☐ attached.  
☐ already filed.  
☒ other than a small entity.

CERTIFICATE OF MAILING (37 CFR 1.8 (a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: October 5, 2001

Vicki Collins  
(Type or print name of person mailing paper)

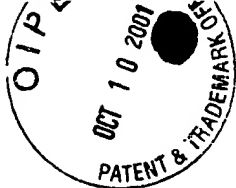
*Vicki Collins*  
(Signature of person mailing paper)

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- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.



# FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR RATE
TOTAL *	1	MINUS **	42	= 0	X 9 = \$
INDEP. *	1	MINUS **	7	= 0	X 40 = \$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+135 = \$	+270 = \$

TOTAL  
ADDIT. FEE \$

OR TOTAL  
ADDIT. FEE \$ 0

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$ \_\_\_\_\_

## FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ \_\_\_\_\_

☒ Charge Account No. 07-1250 the sum of \$ 920.00

A duplicate of this request is attached.

## FEE DEFICIENCY

6. Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized by this document to charge any additional fees which may be required by this paper and during the entire pendency of this application to Account No. 07-1250, except the issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311 (b).

Reg. No. 35,071

Tel. No.: (650) 522-5569

  
SIGNATURE OF ATTORNEY

Mark L. Bosse

Type or print name of attorney

Gilead Sciences, Inc.

333 Lakeside Drive


P.O. Address

Foster City, CA 94404

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for patents, Washington, D.C. 20231.

Vicki Collins

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Date: October 5, 2001
  
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**PATENT**

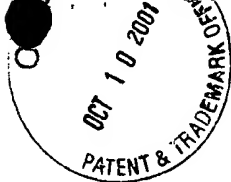
In re PATENT APPLICATION of	)	Group Art Unit: 1626
	)	Attorney Docket No. 237.US
Kim et al	)	Examiner: Wright, S.
	)	
Serial No: 09/555,442	)	
	)	
Filed: May 31, 2000	)	
	)	
Title: <u>CYCLOHEXENE CARBOXYLATES AS</u>	)	
<u>NEURAMINIDASE INHIBITORS</u>	)	

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is responsive to the Patent and Trademark Office action mailed June 7, 2001. A request for a THREE MONTH extension of time is submitted herewith, whereby the time for response expires on October 7, 2001.

Group IV, Claim 35, is elected for examination, without traverse. The single species of Claim 35 wherein R<sup>8</sup> is -OCH<sub>2</sub>OCH<sub>3</sub> is provisionally elected for examination. Claims 1-34 and 36-42 are canceled in this response.



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### Amendment

In view of the requirement for restriction/election, and under the protection of 35 U.S.C. §121, please cancel Claims 1-34 and 36-42 without prejudice to Applicants' rights to pursue the canceled subject matter in divisional/continuation applications.

### Restriction/Election Requirement

The Office has required restriction to one of the following inventions:

Group I; Claims 1-31 and 38-42, drawn to compounds of formula (I) classified in class 546, subclass 51+.

Group II; Claims 32, 37, drawn to compounds of formula (II) classified in class 552, subclass 8+.

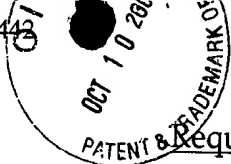
Group III; Claim 33 and 34 drawn to compounds of formulas (III) and (IV) classified in class 549, subclass 449+.

Group IV, claim 35, drawn to compounds of formula (V) classified in class 549, subclass 546+.

Group V, claim 36, drawn to compounds of formula (VI) classified in class 548, subclass 961+.

### Election

Applicants provisionally elect, without traverse, the invention of Group IV, Claim. The single species of Claim 35 wherein R<sup>8</sup> is -OCH<sub>2</sub>OCH<sub>3</sub> is provisionally elected for examination.



Request for a Telephonic Interview

If the Examiner deems it useful, Applicants request, at the Examiner's convenience, a telephonic interview with Mark Bosse at (650) 522-5569 for the purpose of expediting the allowance of the present Application.

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Respectfully submitted,

Mark L. Bosse, Reg. No. 35,071

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Dated: October 5, 2001